

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS - 6

CIVIL MINUTES – GENERAL

Case No. SACV 08-00782-CJC(ANx)

Date: September 9, 2008

Title: JORGE ACOSTA v METROPOLITAN LIFE INSURANCE COMPANY,

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PRESENT:

**HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE**

Michelle Urie  
Deputy Clerk

N/A  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS [filed 8/22/08]**

Having read and considered the papers presented by the parties, the Court finds this matter appropriate for disposition without a hearing. *See* FED. R. CIV. P. 78; LOCAL RULE 7-15. Accordingly, the hearing set for September 15, 2008 at 1:30 p.m. is hereby vacated and off calendar.

Defendant'S motion to dismiss Plaintiff's claim is GRANTED. Plaintiff filed no opposition to Defendant's motion, and as stated in Defendant's moving papers, Plaintiff's claim is preempted by ERISA.